

REMARKS

Applicant requests consideration of the Information Disclosure Statement submitted on March 12, 2004, which was submitted with the filing of the present application. A copy of the postcard indicating receipt of the IDS by the U.S. Patent and Trademark Office is enclosed. The present Office Action provided only the Examiner-initialed copy of the Form PTO-1449 submitted with the Supplemental IDS of October 5, 2004.

In the Office Action dated November 2, 2005, claims 1, 2, 6, 8, 10, 11, 13, and 15-30 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,311,069 (Havinis); claims 3-5, and 7 were rejected under § 103 over Havinis; and claims 9, 12, and 14 were rejected under § 103 over Havinis in view of "Applicant's admitted prior art."

Claim 1 has been amended to recite a method that comprises communicating, to a mobile station, a paging message containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service, where the indication has a first state to indicate that the paging message is related to at least one of the emergency-related location service and law enforcement-related location service.

Havinis does not disclose such a paging message containing the indication communicated to a mobile station. In column 8 of Havinis, at lines 9-11, reference is made to a VLR 16 performing paging and authentication of a mobile station 20 if the mobile station is in idle mode (step 700 of Fig. 7 of Havinis). However, there is absolutely no indication here that the paging of the mobile station involves communicating a paging message to the mobile station that has an indication to indicate that the paging message is related to an emergency-related location service or law enforcement-related location service. In fact, as noted elsewhere in Havinis, sending of the request message 275 (which is the request message sent from the MSC 14 to the mobile station 20) "shall only be applicable for commercial LA's 280, i.e., a request message 275 will not be sent if the requesting LA 280 is an emergency application or a law enforcement application" Havinis, 7:40-44. In other words, if the requesting LA is an emergency application or a law enforcement application, then the request message 275 is not sent to the mobile station at all. This is a clear indication that Havinis clearly does not disclose communicating, to a mobile station, a paging message having an indication with a first state to

indicate that the paging message is related to at least one of the emergency-related location service and law enforcement-related location service.

With respect to former dependent claim 2 (now cancelled), the Office Action cited Fig. 7 and column 8, lines 56-58, as disclosing a paging message containing the indication being communicated to a mobile station. The cited passage in Havinis refers to the BSC 23 informing target BTS' 24a and 24c that a positioning handover needs to be performed, and the BSC 23 sending a command to the mobile station 20 via the serving BTS 24b over the air interface to transmit a handover access message, including access bursts, to the target BTS 24a. There is no teaching here that a paging message is communicated to the mobile station, where the paging message contains an indication having a first state to indicate that the paging message is related to an emergency-related location service or law enforcement-related location service. Havinis actually teaches the opposite, specifically stating that a location request message 275 is *not* sent to a mobile station if the requesting location application is an emergency application or law enforcement application.

In view of the foregoing, it is respectfully submitted that Havinis does not anticipate claim 1.

Claim 8 has been amended from dependent form to independent form, with the scope of claim 8 remaining *unchanged*. Claim 8 recites that it is the mobile switching center communicating the paging request containing the indication to a base station, where the mobile switching center receives a position request containing a field indicating whether the position request is related to at least one of an emergency-related location service and a law enforcement-related location service, and the mobile switching center sets a state of the indication in the paging request based on the field contained in the position request.

With respect to claim 8, the Office Action cited column 2, line 65 to column 3, line 2, as disclosing the mobile switching center setting a state of the indication in the paging request based on the field contained in the position request. The Office Action specifically pointed to the POI (privacy override indicator) mentioned in the cited passage. 11/2/2005 Office Action at 3. The Office Action further identified the positioning request received from a location application (LA) described in column 5, lines 27-30, and lines 50-52, of Havinis as being the position request received by the mobile switching center. The POI referred to in the Background

section of Havinis in columns 2 and 3 is an indicator that is assigned to an individual location application during registration of the location application. Havinis, 2:59-61. Commercial-type location applications are not allowed to override a subscriber's privacy settings (the assigned value of the POI is "not override."). Havinis, 2:62-64. However, a law enforcement or E-911 location application is assigned a POI with the value "allow to override subscriber's privacy settings." Havinis, 2:65-3:2. Thus, the POI referred to in the Background section of Havinis refers to the POI assigned to a location application to indicate whether the location application is allowed to override a subscriber's privacy settings. There is no teaching here of the mobile switching centers setting a state of an indication in a paging request (sent to a base station) based on a field contained in a position request received from the location application. Therefore, it is respectfully submitted that claim 8 is not anticipated by Havinis.

Independent claim 18 recites an article comprising a storage medium that contains instructions that when executed cause a *mobile station* to receive a location request on the traffic channel containing an indication that the location request is related to at least one of an emergency-related location service and a law enforcement-related location service. The Office Action cited column 2, lines 47-50, and column 5, lines 27-30, and lines 50-52, of Havinis as disclosing this receiving element of claim 18. 11/2/2005 Office Action at 6. The passage at column 2, lines 47-50, refers to the community interest in positioning a mobile station for an emergency or law enforcement location application that outweighs the subscriber's need for privacy. The cited column 5 passages refer to a positioning request 285 as received by a *mobile switching center* 14 (*not a mobile station*), and the mobile switching center 14 comparing the LA identity information in a subscriber's SLPP (subscriber privacy profile) that is downloaded to the visitor location registry or VLR 16 with the LA identity provided with the received positioning request 285 from the location application. There is absolutely no teaching in these column 5 passages of Havinis of a *mobile station* receiving a location request on a traffic channel containing an indication that the location request is related to an emergency-related location service or a law enforcement-related location service. In fact, Havinis specifically teaches that the mobile station is *not* to receive a request message 275 if the location application is an emergency application or a law enforcement application. Havinis, 7:40-45.

In view of the foregoing, it is respectfully submitted that claim 18 is also not anticipated by Havinis.

Independent claims 22 and 27 are also not anticipated by Havinis for similar reasons as those given above.

Claim 15 has been amended from dependent form to independent form. Claim 15 is also similarly allowable.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, it is respectfully submitted that the obviousness rejections of the dependent claims have also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0118US).

Respectfully submitted,

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